

# House File 134 - Introduced

HOUSE FILE 134

BY FRY

## A BILL FOR

1 An Act relating to the required provision of informed consent  
2 by both parents prior to the provision of nonemergency  
3 medical services to a minor child under a custody decree.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.1, subsections 3 and 5, Code 2015,  
2 are amended to read as follows:

3 3. "*Joint custody*" or "*joint legal custody*" means an award  
4 of legal custody of a minor child to both parents jointly  
5 under which both parents have legal custodial rights and  
6 responsibilities toward the child and under which neither  
7 parent has legal custodial rights superior to those of the  
8 other parent. Rights and responsibilities of joint legal  
9 custody include but are not limited to equal participation  
10 in decisions affecting the child's legal status, medical  
11 care, education, extracurricular activities, and religious  
12 instruction. Such equal participation shall include that both  
13 parents are required to provide informed consent prior to the  
14 provision to a minor child of nonemergency medical services for  
15 which informed consent of a parent is otherwise required, if  
16 ordered in the custody decree.

17 5. "*Legal custody*" or "*custody*" means an award of the  
18 rights of legal custody of a minor child to a parent under  
19 which a parent has legal custodial rights and responsibilities  
20 toward the child. Rights and responsibilities of legal custody  
21 include but are not limited to decision making affecting the  
22 child's legal status, medical care, education, extracurricular  
23 activities, and religious instruction. Such decision making  
24 shall include that both parents are required to provide  
25 informed consent prior to the provision to a minor child of  
26 nonemergency medical services for which informed consent of a  
27 parent is otherwise required, if ordered in the custody decree.

28 Sec. 2. Section 598.41, subsection 1, paragraph e, Code  
29 2015, is amended to read as follows:

30 e. Unless otherwise ordered by the court in the custody  
31 decree, both parents shall have legal access to information  
32 concerning the child, including but not limited to medical,  
33 educational and law enforcement records. The custody decree  
34 shall also address whether both parents are required to provide  
35 informed consent prior to the provision to a minor child of

1 nonemergency medical services for which informed consent of a  
2 parent is otherwise required.

3      Sec. 3. Section 598.41, subsection 5, paragraph b, Code  
4 2015, is amended to read as follows:

b. If joint physical care is not awarded under paragraph "a", and only one joint custodial parent is awarded physical care, the parent responsible for providing physical care shall support the other parent's relationship with the child. Physical care awarded to one parent does not affect the other parent's rights and responsibilities as a joint legal custodian of the child. Rights and responsibilities as joint legal custodian of the child include but are not limited to equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction. Such equal participation shall include that both parents are required to provide informed consent prior to the provision to the minor child of nonemergency medical services for which informed consent of a parent is otherwise required, if provided in the custody decree.

### EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill provides that as part of a custody decree the  
24 court is to address whether both parents who are awarded legal  
25 custody are required to provide informed consent prior to the  
26 provision to a minor child of nonemergency medical services  
27 for which informed consent of a parent is otherwise required.  
28 The bill makes conforming changes in the definitions of "joint  
29 legal custody" or "joint custody" and "legal custody" or  
30 "custody" under Code chapter 598 (dissolution of marriage and  
31 domestic relations).